

REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by applicant(s) and undersigned attorney. Reconsideration is respectfully requested.

As the Office Action was "Final", this reply is submitted with a Request for Continuing Examination (RCE) under the provisions of 37 C.F.R. §1.114.

1. Summary of the Office Action.

Claims 1, 2, 4, 5 and 7-19 were pending.

Claims 1, 5, 7-13 and 16-19 stand rejected under 35 U.S.C §102(b) over Weekly (US 3033303).

Claims 2, 4, 14 and 15 stand rejected under 35 U.S.C §103(a) over Weekly.

2. Discussion.

Claim Rejections - 35 USC §102 or 103

Claim 1. This claim was rejected under 35 USC §102(b) as being anticipated by the newly cited and newly applied reference of Weekly. Applicant respectfully

traverses the rejection because Weekly does not meet each and every element set forth in the claim as previously presented.

Although Weekly relates to a harvesting apparatus, the described apparatus is quite different to the claimed invention. The apparatus of Weekly includes a wheeled, motorized structure upon which a platform is provided. In use, a picker lies upon the platform and is able to harvest a crop as the apparatus passes over the crop. The platform is described as being adjustable both vertically and horizontally. Although this is the case, it is clear from the description as a whole that this adjustment is intended to take place before use to select a comfortable operating position for the picker. There is no suggestion that, during picking or harvesting, the platform is to be slid back and forth to temporarily accelerate or decelerate the movement of the picker. The fact that the Weekly device includes a headrest which does not move with the platform, and screws to lock the platform against movement demonstrate that there is no intention that the platform of Weekly is to be moved other than when setting up the apparatus to accommodate, comfortably, a given picker.

In contrast, the presently claimed invention requires (a) that a body support element can be moved over an extended range of movement in the order of at least 1 metre, and (b) that the body support element is moveable while the support structure is moving in the forward direction to temporarily increase or decrease the speed of movement of the body support element over the ground. Neither of these important features are disclosed in Weekly. The net result of being able to achieve a higher operating speed of the overall apparatus is not achieved. Applicant therefore submits that

Claim 1 as previously presented is not anticipated. Withdrawal of the rejection is respectfully requested.

Claim 2. This dependent claim stands rejected under 35 USC 103(a) based on obviousness over Weekly. The claim as originally filed requires the presence of a plurality of body support elements. The provision of two or more independently moveable body support elements allows significantly faster harvesting to take place. In Weekly, the body support elements are fixed during picking, and the overall speed of movement must be chosen so as to be sufficiently slow as to permit a picker to harvest dense crop regions. However, where crops are unevenly distributed, often one or more of the pickers will be harvesting relatively low density crop regions and thus will be operating inefficiently. By providing two or more movable body support elements, each picker can adjust his or her speed of movement over the ground, temporarily, to enable the overall speed of movement of the harvesting apparatus to be increased, enhancing efficiency. Neither Weekly nor any of the other cited prior art arrangements teach toward this. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim 1 above.

Claim 13. This dependent claim also stands rejected under 35 USC 102(b) based on anticipation over Weekly. Weekly does not describe either the claimed position sensors sensing the positions of the body support element or the associated control circuit to control the speed of the apparatus based on the sensor outputs. The claim is believed

to be patentable for this reason in addition to those urged with respect to its base claim above.

Claim 16. This dependent claim also stands rejected under 35 USC 102(b) based on anticipation over Weekly. There is again no teaching in Weekly of temporarily increasing or decreasing the speed of movement of the body support element by sliding it backwards or forwards to enable an increase in the overall speed of movement of the apparatus. The claim is thus not anticipated.. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim above.

Remaining Claims. The remaining dependent claims each adds at least one limitation to the elements of its base claim, and is therefore deemed to be allowable with such base and any intervening claim, at least for this reason.

3. Conclusion.

The pending claims are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is in a condition for allowance. Reconsideration and favorable action are respectfully requested.

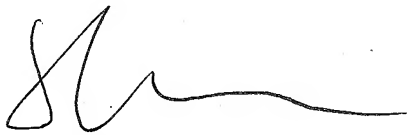
Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

ANY FEES DUE ARE CALCULATED AS FOLLOWS:			<u>NUMBER</u>	<u>FEE</u>
TOTAL Claims Remaining over that Previously Paid:			None	\$0
INDEPENDENT Claims Remaining over that Previously Paid:			None	\$0
			SUM Claim Fees:	\$0
EXTENSION Fees:				\$0
OTHER Fees:				\$405
			<u>TOTAL AMOUNT (if any)</u>	\$405
[] Paid by enclosed check.				
[X] Paid by enclosed Credit Card Payment Form(s) PTO-2038.				

Respectfully submitted,



Joel D. Skinner, Jr.
Reg. No. 33,786

Date: 5-3-10

Skinner and Associates Customer No. 24339
212 Commercial Street
Hudson, Wisconsin 54016
Tel.: (715) 386-5800
FAX: (715) 386-6177
Internet e-mail: info@skinnerlaw.com

Z:\Shared\CLIENTS\MarksClerk-UK ARD\PATENTS\Harvesting Apparatus(124)\Reply to 100201 OA 10-7.doc